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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002311

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [PINR](#) [KCRM](#) [KJUS](#) [ID](#)
SUBJECT: MUNIR CASE: STUNNING REVELATIONS AT HEARING
IMPLICATE INTELLIGENCE AGENCY

REF: A. JAKARTA 2111

- [1](#)B. JAKARTA 1223
- [1](#)C. JAKARTA 163
- [1](#)D. JAKARTA 12300 (2006)

Classified By: POL/C JOSEPH LEGEND NOVAK, REASONS 1.4 (B,D).

[1](#)1. (C) Summary: Witnesses and documentation presented in court August 22 implicated the Indonesian Intelligence Agency (BIN) in a conspiracy to murder human rights activist Munir. Prosecutors still face an uphill battle in proving their case in the face of witnesses recanting previous statements. Nevertheless, the startling evidence--which received widespread media coverage--was a breakthrough in that evidence is now freely coming out that some former GOI officials conspired to murder the human rights hero. End Summary.

[1](#)2. (SBU) LATEST HEARING: The second in a series of Munir case review hearings (Refs A and B) was held August 22 at Jakarta Central Court. Security was very tight. POL FSN attended the hearing, which is part of the attempt by the Attorney General's Office (AGO) to reopen the case against the former Garuda airlines pilot, Pollycarpus, who was acquitted last year in the 2004 poisoning case. Former Garuda Airlines Director Indra Setiawan testified in the packed open court proceeding that he had received a letter from BIN asking that Pollycarpus, a pilot, be transferred to the Garuda security division shortly before the killing. Prosecutors maintain that this transfer gave Pollycarpus an opportunity to fly with Munir from Jakarta to Singapore in order to poison him with arsenic at Changi airport. Setiawan testified that he went to a hotel where Pollycarpus handed him a letter signed by former BIN Deputy Director As'ad on BIN stationary. This testimony supports widespread suspicion of BIN complicity in a conspiracy to kill Munir.

[1](#)3. (C) STUNNING WIRETAP EVIDENCE: Prosecutors played a recent wiretap phone conversation between Setiawan, under detention in the case, and Pollycarpus. In the recording, Pollycarpus tells Setiawan that "90 percent of state officials including Attorney General Hendarman Supandji are on our side," adding that Supreme Court officials, including Chief Justice Bagir Manan and his deputy "are our men." (Note: Usman Hamid, the lead attorney for Munir's widow, Suciwati, and several foreign journalists covering the hearing told Poloff that they doubt the veracity of these Pollycarpus claims. Manan publicly called the statement a "lie".) Pollycarpus was also heard on the tape claiming that

the case was "just a political game so that SBY (President Yudhoyono) will not be disturbed" and that authorities are pursuing new evidence "to stop activists from pressuring the President." Pollycarpus told Setiawan not to worry about the BIN order assigning him to security as all copies of the letter had disappeared.

¶4. (U) Suciwati, who has fought valiantly to bring her husband's killers to justice, shed tears of joy after hearing the wiretapped evidence. She told the media that, in her view, the evidence confirmed the conspiracy.

¶5. (U) RECANTATIONS: On a negative note for the conspiracy case, however, there were recantations of earlier testimony. BIN agent Raden Muhammad Padma testified, and denied part of his earlier statement to police that he and his supervisor, Sentot Waluyo, had been assigned by BIN Deputy II Manunggal Maladito to murder Munir. Padma testified that he was recruited by BIN to work undercover as a photojournalist to report on NGO activities, including those of Munir. Asked by the prosecutor if he was assigned to murder Munir, he replied: "I don't know about an assignment to kill Munir." The judge then asked what his exact assignment was. Padma replied that he was "to report" on Munir's activities, such as whom he met and when he ate meals. Padma did testify to seeing Pollycarpus meeting with Waluyo at the BIN headquarters parking lot. Padma said Waluyo told him that Pollycarpus was there to meet with "BIN higher officials."

¶6. (C) Prosecutors suffered another setback in their case when a key eyewitness, Ongen, denied his earlier statement to police that he was with Munir and Pollycarpus at an airport cafe. Ongen had told police that he witnessed Pollycarpus buy Munir a drink, which police believe was laced with arsenic. An Indonesian rock singer who resides in Holland,

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Ongen testified that his initial statement had been coerced by police who threatened to prosecute him in the murder. Ongen testified that he saw Munir sitting with someone, but could not identify who it was. (Note: The police investigator who questioned Ongen told Suciwati's lawyer Hamid that Ongen had an attorney present during questioning and was not coerced, Hamid told us. Hamid noted that Ongen at one point was a suspect in the conspiracy.)

¶7. (SBU) BACKUP WITNESS SALVAGES CASE: However, prosecutors were prepared with another key witness, an Indonesian student studying in Germany, Asrini Utami Putri, whom police had flown in under protective custody. Putri confirmed seeing Munir sitting with Pollycarpus and Ongen at Changi Airport's Coffee Bean restaurant.

¶8. (C) BIN NEEDS TO COME CLEAN: Commenting on the day's testimony, Hamid told Poloff that BIN has not yet stated its position on the allegations that former BIN operatives were involved. However, BIN should not see this case as a threat to itself but rather as a chance "to come clean" concerning criminal acts carried out by former BIN officials. Hamid said police have two more BIN witnesses that they might still present.

¶9. (C) NEXT HEARING: The next hearing will be August 29. The focus will be efforts to cross examine Ongen and Pollycarpus, as well as to question the police investigator who interrogated Pollycarpus. An Indonesian forensic expert will also testify, Hamid told us. Police told Hamid that they have more evidence to bolster the case against Pollycarpus that they can present later.

¶10. (C) PROGRESS MADE IN CASE: If the case review is successful, the case against Pollycarpus will be turned over to the Supreme Court to be retried. The outcome of the case is far from certain but police and prosecutors have demonstrated their willingness to pursue every lead in solving this case so far, reportedly at the direction of

President Yudhoyono. Police told Poloff that even if the case against Pollycarpus fails, this case could lead to other prosecutions. Given that the case now has implicated the nation's most secretive agency, the evidence presented in these hearings is stunning. Whether or not the case ultimately finds Munir's killers, BIN could be opened up to unprecedented scrutiny.

HUME